

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST St. LOUIS DIVISION

ROBERT JAMES PIETTE, #20140301148,)

Plaintiff,)

-vs-)

No. 14-1101-JPG

MARC HODGE, JANIS K. JOKISCH,)

MS. TREADWAY and MR. KITTLES,)

Defendants.)

ANSWER AND AFFIRMATIVE DEFENSES

Now Come Defendants, MARC HODGE, JANIS JOKISCH, BETH TREDWAY, and TONY KITTLE, by and through their attorney, Lisa Madigan, Attorney General of the State of Illinois, and hereby file their Answer and Affirmative Defenses to Plaintiff's Complaint (Doc. 1), stating as follows:

STATEMENT OF CLAIM

THE PLAINTIFF ROBERT JAMES Piette I.D.O.C. # K80754 WAS WRONGLY IMPRISONED 66 DAYS PAST HIS MANDATORY SUPERVISED RELEASE DATE. BY THE LAWRENCE CORRECTIONAL CENTER LOCATED AT 10940 LAWRENCE RD SUMNER IL 62466.

RESPONSE: Defendants deny that Plaintiff was wrongly imprisoned 66 days past his mandatory supervised release date. Defendants admit the business address for Lawrence Correctional Center.

DUE TO THE FACT THAT THE DEFENDENTS INVOLVED WHO WERE ACTING UNDER THE COLOR OF STATE LAW IN AN OFFICIAL CAPACITY REFUSED TO DO THERE JOBS IN A PROFESSIONAL AND THOROUGH MANNER. RESULTING IN CIVIL RIGHTS VIOLATIONS QUARANTEED BY THE UNITED STATES CONSTITUTION OR BY LAW.

RESPONSE: Defendants deny that they refused to do their jobs in a professional and thorough manner. Defendants deny that Plaintiff's civil rights were violated.

ON 2-26-2009 I Robert J Piette was sentenced to 5yrs ILLINOIS Dept. of CORRECTIONS. For The charge of Unlawful Possession of A controlled Substance. CASE# 05CF003062. I WAS given credit for ALL DAYS ACTUALLY SERVED IN THE DUPAGE CO. JAIL BY THE HONORABLE JUDGE DWYER. THIS CHARGE WAS TO RUN CONSECUTIVE TO A SENTENCE ALREADY BEING SERVED IN THE ARIZONA Dept of Corrections.

RESPONSE: Defendants admit the allegations contained in this paragraph.

ON 6-24-2011 ~~CLAIMANT~~ ^{PLAINTIFF} WAS RELEASED by the Arizona Dept of Corrections TO THE Custody of the Dupage CO Sheriffs Dept. CLAIMANT WAS THEN TRANSPORTED BACK TO THE STATE OF ILLINOIS TO START HIS REMAINING SENTENCE. CLAIMANT WAS HELD AT THE DUPAGE CO. JAIL APPROX. ONE WEEK UNTIL HE WAS TRANSFERED TO THE ILLINOIS Dept. of Corrections.

RESPONSE: Defendants admit the allegations contained in this paragraph.

ON OR ABOUT 6-30-2011 ~~CLAIMANT~~ ^{PLAINTIFF} ENTERED THE ILLINOIS Dept of Corrections AT STATESVILLE N.R.C. A FEW DAYS LATER CLAIMANT RECEIVED A CALCULATION SHEET CALCULATING TIME ACTUALLY SERVED AND REMAINING TIME YET TO BE SERVED. AFTER CLAIMANT REVIEWED HIS SENTENCING ORDERS CLAIMANT NOTICED SEVERAL ERRORS AND NOTIFIED STAFF. CLAIMANT WAS TOLD BY STAFF AT STATESVILLE N.R.C. THAT ONCE HE WAS TRANSFERED TO HIS PARENT INSTITUTION HE WOULD BE ABLE TO CORRECT ALL ISSUES THERE.

RESPONSE: Defendants admit that Plaintiff entered the Illinois Department of Corrections at Statesville N.R.C. on or about June 30, 2011. Defendants lack knowledge sufficient to admit or deny the remaining allegations contained in this paragraph.

~~CLAIMANT~~ ^{PLAINTIFF} WAS TRANSFERED TO THE LAWRENCE CORRECTIONAL CENTER WHERE THE REMAINDER OF HIS TIME WAS TO BE SERVED.

RESPONSE: Defendants admit the allegations contained in this paragraph.

ON Sept. 5, 2011 ~~CLAIMANT~~ ^{PLAINTIFF} WROTE A LETTER TO THE Honorable Judge Dwyer Addressing The Errors MADE ON HIS Sentencing Orders concerning His EARNED Jail Credits for time ALREADY served. CLAIMANT ASKED The Court to Amend his Sentencing Order So It would Reflect ALL Actual Days Served Since it was missing Numerous Dates of INCARCERATION.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 9-21-2011 ~~CLAIMANT~~ ^{PLAINTIFF} RECEIVED Another Calculation sheet from the Records Dept of the Lawrence C.C. "SEE ATTACHMENT pg " CONFIRMING that THE ERRORS still HADN'T BEEN CORRECTED yet.

RESPONSE: Defendants admit that Plaintiff received a calculation sheet on September 21, 2011. Defendants deny that the calculation sheet served to confirm the lack of corrections of any errors.

ON 10-12-2011 ~~CLAIMANT~~ ^{PLAINTIFF} RECEIVED A Letter from the DuPAGE Co. Public Defenders Office stating the Courts corrected the errors INREGARDS to HIS EARNED Jail Credits. AN Amended ~~the~~ Sentencing order was granted AND ISSUED AND A COPY WAS ENCLOSED for My Records. "SEE ATTCHMENT pg "

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 11-7-2011 ~~CLAIMANT~~ ^{PLAINTIFF} MAILED A Motion for NUNC PRO TUNC to the DuPage Co Clerks office formally Addressing This ISSUE Believing His WAS ENTITLED TO More JAIL CREDITS EARNED.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 11-16-2011 THE MOTION WAS filed fo NUNC PRO TUNC And a court Date of 11-29-2011 WAS ISSUED for Motion to Be Heard.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 11-29-2011 THE MOTION FOR NUNC PRO TUNC WAS HEARD AND DENIED.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON OR ABOUT 12-7-2011 ^{PLAINTIFF} ~~CLAIMANT~~ RECEIVED A LETTER FROM THE DUPAGE COUNTY ~~CLERK'S~~ PUBLIC DEFENDERS OFFICE STATING THAT NO ACTION WAS TAKEN ON MY MOTION THAT I WAS GIVEN CREDIT FOR ALL DAYS ACTUALLY SERVED AT THAT POINT IN TIME. HOWEVER ANY DAYS OF INCARCERATION AFTER THEM DATES WILL BE APPLIED BY THE PRISON SINCE THE PRISON IS ISSUED BY THE JAIL A COPY OF ALL ACTUAL DAYS SERVED IN THE FORM OF A CREDITS FOR TIME SERVED REPORT THAT REFLECT ALL DAYS SERVED UNDER CASE# 2005 CF003062 "SEE ATTACHMENT pg "

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON OR ABOUT 12-20-2011 ^{PLAINTIFF} ~~CLAIMANT~~ SPOKE WITH THE CELL HOUSE COUNSEL A MR. DOWNEN FOR BUILDINGS 5 AND 7. CLAIMANT SHOWED MR DOWNEN THE AMENDED SENTENCING ORDER HE RECEIVED AND ASKED WHY HE DIDN'T RECEIVE A NEW CALCULATION SHEET YET. MR DOWNEN STATED HE DIDN'T KNOW WHY AND THAT HE DOESN'T DO CALCULATION SHEETS BUT HE WOULD CALL RECORDS FOR ME. NEVER DID GET ANY RESPONSE.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON OR ABOUT 1-10-2012 ^{PLAINTIFF} ~~CLAIMANT~~ SENT WARDEN STORM A REQUEST SLIP ALONG WITH A COPY OF HIS AMENDED SENTENCING ASKING WHY HE STILL HASN'T RECEIVED A NEW CALCULATION SHEET. WARDEN STORM ANSWERED A FEW DAYS LATER STATING HE FORWARDED MY REQUEST TO THE APPROPRIATE DEPT. NEVER DID GET A RESPONSE.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

APPROX. THE BEGINNING OF FEB. 2012 ^{PLAINTIFF} ~~CLAIMANT~~ ~~WAS~~ WROTE A LETTER TO THE CLERK OF DUPAGE CO REQUESTING THAT COPIES OF HIS AMENDED SENTENCING ORDER BE MAILED TO THE LAWRENCE C.C. AS WELL AS HIMSELF.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

On or About 3-5-2012 ^{PLAINTIFF} ~~claimant~~ started Sending Request Slips to The Records Dept. Requesting his New Calculation Sheet. No Response. Claimant Recieved A copy of His Amended Sentencing Order from the DuPage Co. Clerks office Approx Around the Same time.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

on 3-27-2012 ^{PLAINTIFF} ~~claimant~~ Recieved A records call pass. However the Call pass was Not to address His issue it was to fill out A Census-form. After Claimant filled out the Census form He Spoke to A Women He Believed to Be Ms. Loy concerning His issue. She stated He needed To Speak with a Mrs. Jokisch. She Took His NAME AND I.D. Number Down and SAID she would Relay message and concerns. Witch she Did.

RESPONSE: Defendant Jokisch lacks present recollection sufficient to admit or deny whether she received Plaintiff's information from Ms. Loy. Defendant Jokisch lacks knowledge sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

On 3-28-2012 ^{PLAINTIFF} ~~claimant~~ Recieved A Counseling Summary from JANIS K. Jokisch IN regards to My Issue. Ms Jokisch Stated this is the form she Used to to Calculate My Release Date. "See Attachments pg 1" However that was incorrect Also cuz clearly the Jail had me Down for 240 days AND MS JOKISCH only Credited Claimant only 225 days THERE WAS clearly Mistakes made prior to the ...

RESPONSE: Defendant Jokisch lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

On 3-29-2012 ^{PLAINTIFF} ~~claimant~~ Submitted A Request Slip to JANIS K JOKISCH Requesting to be put on A call line to Discuse concerns Surrounding his Calculation sheet. Claimant stated He Recieved AN Amended Sentencing Order, witch would drastically change His Release Date. Two week Pass No Response.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

On 4-13-2012 ~~Claimant~~ ^{PLAINTIFF} Spoke with Counsoler Reis Briefly About his Issue. Claimant Handed Counsoler Reis A written Request Slip and provided him with A copy of his Amended Sentencing Order. Counsoler Reis stated he would hand deliver it AND get BACK with ME.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 4-14-2012 I RECIEVED IN THE MAIL A WRITTEN RESPONSE FROM Counsoler Reis stating he gave my paperwork to the Records Dept However They Couldn't use them. "See Attachment pg "

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

on 4-14-2012 ~~Claimant~~ ^{PLAINTIFF} Submitted Another Request Slip to See the Record Clerk JANIS K JOKISCH.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 4-20-2012 ~~Claimant~~ ^{PLAINTIFF} RECIEVED A call pass to the Records Dept. This Meeting WAS Held in the Visiting Room. SAID Meeting WAS with Records Law clerk Ms. JANIS K JOKISCH, Warden MARC Hodge And Claimant Robert J Piette. Claimant Addressed the Issue At hand. Expressed All His Concerns AND Showed Ms JOKISCH AS WELL AS Warden Hodge ALL The Documents He RECIEVED from The DuPage CO Clerks And public Defenders office "See Attached pg "

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Ms. JOKISCH stated to ~~Claimant~~ ^{PLAINTIFF} that his paperwork WAS Meaningless to her AND there was Nothing she could do with it. All Court Documents Need to Come to her from the Clerks office. Claimant SAID He understood That AND has Tried Notifying the clerk IN writing AND Doesn't Understand Why she isn't Recieving Anything when he is. Again Ms JOKISCH stated There was Nothing she could do.

RESPONSE: Defendants Jokisch and Hodge admit that court documents related to amended sentencing must come from the clerk's office. Defendants Jokisch and Hodge lack

present recollection sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

^{PLAINTIFF}
~~Claimant~~ Asked Ms Jokisch if she can't do anything who can then And who does the calculations sheets.
 Ms. ~~For~~ Jokisch stated to ^{PLAINTIFF}~~Claimant~~ she is the person who calculate's INMA. Time, she was the person to talk to And if there truly where any changes To my Sentencing order the Courts would Notify Her. She would not Notify the Courts.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the remaining allegations contained in this paragraph.

After Speaking with Ms Jokisch for Several mins AND not getting Anywhere ^{PLAINTIFF}~~Claimant~~ turned directly to Warden Hodge AND asked him if he understood exactly what Claimant was saying. Warden Hodge stated he did.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

^{PLAINTIFF}
~~Claimant~~ INTURNED ASK Warden Hodge if He would help him to get Ms Jokisch To understand That AS AN INMATED He HAS Done everything in His power to get her to Acknowledge Said Amended Sentencing order. Claimant wrote The Clerks office Like he was told And showed them there Response. Claimant Also Wrote The public Defenders office Again showed them there Response "See Attachments pg 5" As well AS provided Copy to Ms Jokisch Claimant EXHAUSTED EVERY dose of Action on His behalf Except to call the Clerks office witch is NOT POSSIBLE Sence INMATES can only make Collect calls

^{PLAINTIFF}
~~Claimant~~ Stated That he cannot understand why her office has not Recieved Anything when them Same Dept have no problem contacting him.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Again Warden Hodge stated he clearly understood what my issue was AND directed Ms Jokisch to investigate this matter AND fix what needed to be fixed. Again months had past AND nothing had been done.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

On 7-6-2012 ^{PLAINTIFF} ~~claimant~~ attended the Records call line for a follow up meeting per Warden Hodge. Warden Hodge was NOT present on MS. Jokisch was there.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Ms Jokisch stated to claimant nothing has changed. Claimer asked Ms Jokisch if she contacted the DuPage Co. Clerks office. Ms Jokisch stated to claimant it wasnt her job to call or contact the clerks office that if there truly were any changes they would of notified her by now.

RESPONSE: Defendant Jokisch lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

^{PLAINTIFF} ~~claimant~~ asked Ms Jokisch if she didnt call or contact the clerks office as Warden Hodge had ~~not~~ instructed her to do would she please explain what did she actually do to investigate this matter.

RESPONSE: Defendant Jokisch lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Proceeded to get angry AND raised her voice stating claimant can not tell her how to do her job, that nobody can tell her how to do her job that shes been doing this everyday for countless years, AND she knows exactly what she is doing. It's not her responsibility to make sure ~~any~~ claimants out-date is correct AND AS FAR AS she was concerned claimants calculation sheet was correct therefore nothing will be changing AND dismissed claimant to see the next person with nothing happening or changing.

RESPONSE: Defendant Jokisch lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 7-7-2012 ^{PLAINTIFF} ~~claimant~~ Sent a Request Slip to Warden Hodge Explaining The events that happend At the Records CAN line meeting with Ms Jokisch. Never got Any Response.

RESPONSE: Defendant Hodge lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Jokisch, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 7-7-2012 ^{PLAINTIFF} ~~claimant~~ filed A grievance Against Ms Jokisch And the Records Dept. "See Attachment pg "

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Approx. The END OF August 2012 ^{PLAINTIFF} ~~claimant~~ Spoke with A Counsoler Kittles About The Grievence He filed. Counsoler Kittles Stated He was 2 maybe 3 months Months behind on grievences But he'd try to get BACK to me Next week.

RESPONSE: Defendant Kittle lacks present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Jokisch, Hodge, and Tredway lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

Approx One Week Later in the month of September 2012 ~~claimant~~ Spoke with Counsoler Kittles Again. Counsoler Kittles stated he Saw Comments in the Computer stating By Ms Jokisch that After further Review No Action was TO BE TAKEN ~~claimant~~ ASKED for that IN writing As well AS the Grievence BACK. Counsoler Kittles stated He'd Send it in the MAIL. ~~claimant~~ Never Did Recieve Grievence BACK.

RESPONSE: Defendant Kittle denies that this is an accurate description of his September 2012 meeting with Plaintiff. Defendant Kittle denies that he discussed Plaintiff's sentencing issue with Plaintiff during this time. Defendant Kittle lacks present recollection sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Jokisch, Hodge, and Tredway lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

PLAINTIFF
 Claimant for Tried for Approx. 1 Month to get a Answer from
 Counsoler Kittles IN Regaurds to grievenced filed. Counsoler Kittles
 stated Ms Jokisch is impossible to deal with that he can not get a
 written Response back. AS FAR AS He was concerned there was nothing
 more he could do.

RESPONSE: Defendant Kittle denies that this is an accurate description of his meetings with Plaintiff during this approximate one-month time period. Defendant Kittle denies that he discussed Plaintiff's sentencing issue with Plaintiff during this time. Defendant Kittle lacks present recollection sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Jokisch, Hodge, and Tredway lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON JAN. 14, 2013 PLAINTIFF
 Claimant Spoke with AN INMATE Myron BARBER
 ID # N46174 That Also Attended the Records call line with Claimant
 AND ASKED Him to Write Affidavit stating what he witnessed that Day
 "See Attachment pg "

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb. 10th 2013 PLAINTIFF
 Claimant filed Another grievence in Regaurds to the
 whole Chain of events of the past year And How Nothing Was Done. Claimant
 Spoke with ~~AW~~ ASSISTANT WARDEN TREADWAY on the WALK, Explain to
 Her what his issue was Also explain that AS of this Day he has been held
 Approx 50 days Past his out date. Claimant hand delievered his grievence
 To Assistant Warden Treadway witch she Accepted. A.W. TREADWAY stated
 She Would Look into it And get back with me. "See Attachment pg "

RESPONSE: Defendant Tredway lacks present recollection sufficient to admit or deny interactions with Plaintiff. Defendant Tredway lacks knowledge sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Jokisch, Hodge, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb 13th PLAINTIFF
 Claimant Spoke with A.W. TREADWAY Again Concerning
 MATter And HANDED her A HAND Written Request ASking About the Grievence
 I gave Her. Claimant stated He would Like A Response in Writing and the
 grievence Returned. "See Attachment pg "

RESPONSE: Defendant Tredway lacks present recollections sufficient to admit or deny the allegations contained in this paragraph. Defendants Jokisch, Hodge, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb. 13TH 2013 ^{PLAINTIFF} ~~Claimant~~ started a timeline of Date and Approx. time That Claimant Spoke to each Staff getting there Name's And what The Spoke About. "See Attachment pg 11"

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb 18TH 2013 ^{PLAINTIFF} ~~Claimant~~ wrote Another Letter to the DuPage Co Clerks office. "See Attachment pg 11"

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb 19TH 2013 A.W. Treadway Sent ^{PLAINTIFF} ~~Claimant's~~ Request Slip Back Stating Grievance were Done By Clinical Services. She Did not Return my Grievance "See Attachment pg 11"

RESPONSE: Defendant Tredway lacks present recollections sufficient to admit or deny the allegations contained in this paragraph. Defendants Jokisch, Hodge, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON Feb. 26TH 2013 ^{PLAINTIFF} ~~Claimant~~ WAS WORKING IN the Barber Shop. Claimant's Boss Joe Hough Received A phone Call At 10:30 AM stating I needed to go back to my Housing Unit That I was being immediately Released. That Claimant Needed to be out of the prison By 11:30 AM. Claimant States the prison was in such a rush they put him on A Bus to INDIANA cuz that was the Next Bus leaving from Lawrence.

RESPONSES: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE PLAINTIFF HAD BEEN INCARCERATED ON NUMEROUS OCCASIONS PRIOR TO BEING SENTENCED TO 5 YEARS I.D.O.C. FOR POSS. OF A CONTROLLED SUB. CASE # 2005 CF003062 AT THE SAME TIME PLAINTIFF WAS SENTENCED TO 5 YEARS I.D.O.C. FOR A RESIDENTIAL BURGLARY # 2005 CF001986 THE CASES WERE TO RUN CONCURRENT, WHICH THEY WERE.

RESPONSE: Defendants admit the allegations contained in this paragraph.

IF YOU LOOK AT THE CREDITS FOR TIME SERVED REPORT ISSUED BY THE DUPAGE COUNTY JAIL. "SEE ATTACHMENT PG 9" IT REFLECTS ALL DAYS OF ACTUAL TIME FOR BOTH CASES. THE 2005 CF001986 CASE WAS WHEN PLAINTIFF INITIALLY HAD BEEN DETAINED. IT WASN'T UNTIL MONTHS LATER THAT PLAINTIFF HAD BEEN CHARGED WITH CASE # 2005 CF003062 ALL THESE DATES OF INCARCERATION SHOULD BE IDENTICAL WHEN PLAINTIFF WAS RELEASED ON 02-04-2006 HOWEVER A SIMPLE ERROR WAS MADE AND BOOKING # 20603919 WAS NEVER ADDED TO CASE # 2005 CF003062 THUS NOT GIVING PLAINTIFF ALL DAYS ACTUALLY SERVED. AFTER FURTHER REVIEW IT WAS DETERMINED BY THE COURTS THAT THE PLAINTIFF WAS ENTITLED TO MORE JAIL TIME CREDITS. "SEE ATTACHMENTS PG 4" AFTER ADDING ALL ACTUAL JAIL CREDITS FOR CASE # 2005 CF003062 PLAINTIFF ACTUALLY HAD 360 DAY OF ACTUAL TIME SERVED IN THE DUPAGE CO JAIL.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE HONORABLE JUDGE JANE H MITTON QUICKLY ADDRESSED THIS ISSUE AND ON 10/07/2011 GRANTED A MOTION OF NUNC PRO TUNC AMENDING THE ORIGINAL SENTENCING ORDER GIVING THE PLAINTIFF ALL ACTUAL DAYS SERVED AND CORRECTED THE PROBLEM.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ON 10-07-2011 THE DUPAGE COUNTY CLERK DRAFTED THE I.D.O.C. ORDER.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE PLAINTIFF TRIED RELENTLESSLY FOR APPROX. 1 YEAR AND 4 MONTHS TO GET THE ADMINISTRATION AT THE LAWRENCE CORRECTIONAL CENTER TO SIMPLY INVESTIGATE HIS COMPLAINT. THE PLAINTIFF USED UP ALL HIS AVAILABLE OPTIONS AS AN INMATE. PLAINTIFF SENT LETTERS TO THE DUPAGE COUNTY CLERK OFFICE AND THE DUPAGE COUNTY PUBLIC DEFENDERS OFFICE. PLAINTIFF SENT REQUEST SLIPS TO COUNSELOR, RECORDS DEPT, WARDEN, AND ASSISTANT WARDEN.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

PLAINTIFF EVEN HAD TWO FACE TO FACE MEETINGS WITH THE RECORDS LAW CLERK JANIS K JOKISCH ONE OF THOSE MEETINGS WARDEN MARC HODGE WAS PRESENT AND EVEN DIRECTED MS. JOKISCH TO INVESTIGATE PLAINTIFF ISSUE.

RESPONSE: Defendants Jokisch and Hodge lack present recollection sufficient to admit or deny the allegations contained in this paragraph. Defendants Tredway and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

PLAINTIFF WROTE NUMEROUS GRIEVANCE. NO ACTION WAS TAKEN.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE DEFENDANTS WHO WERE ACTING UNDER THE COLOR OF STATE LAW IN AN OFFICIAL CAPACITY HAD A DUTY AS STATE EMPLOYEES TO DO THEIR JOBS IN A PROFESSIONAL AND THOROUGH MANNER WHICH SIMPLY DID NOT HAPPEN IN THIS CASE.

RESPONSE: Defendants deny that they did not perform their jobs in a professional and thorough manner.

ANY TYPE OF INVESTIGATION INTO PLAINTIFF'S COMPLAINT CLEARLY WOULD HAVE RESULTED IN A CHANGE ~~IN~~ OF PLAINTIFF'S SENTENCING ORDERS.

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE PLAINTIFF PROVIDED COPIES OF
HIS AMENDED SENTENCING ORDER ANY REASONABLE OFFICIAL
AFTER REVIEWING THOSE COPIES SHOULD OF KNOWN THAT
ANY INACTION ON THERE PART WOULD RESULT IN PLAINTIFF
HAVING TO SERVE MORE TIME THAN THE DUPAGE COUNTY
HAD SENTENCED HIM TO,

RESPONSE: Defendants lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

ALSO NOTE THE PLAINTIFF WAS NEVER ISSUED ANY
TYPE OF DISCIPLINARY REPORT FOR TRYING TO FALSIFY OR FORGE
GOVERNMENT DOCUMENTS. WITH MS. JOKISCH HAD LIGHTLY
INSINUATED PLAINTIFF MIGHT BE DOING.

RESPONSE: Defendant Jokisch denies insinuating that Plaintiff falsified or forged government documents. Defendant Jokisch lacks knowledge sufficient to admit or deny the remaining allegations contained in this paragraph. Defendants Hodge, Tredway, and Kittle lack knowledge sufficient to admit or deny the allegations contained in this paragraph.

THE DEFENDENTS WERE CLEARLY AWARE OF PLAINTIFFS
COMPLAINT AND HAD MORE THAN A REASONABLE AMOUNT OF
TIME TO INVESTIGATE THE COMPLAINT AND MAKE THE NEC-
ESSARY ADJUSTMENTS TO THE PLAINTIFFS RELEASE DATE,

RESPONSE: Defendants deny that they were clearly aware of Plaintiff's complaint. Defendants lack knowledge sufficient to admit or deny the remaining allegations contained in this paragraph.

HOWEVER THE DEFENDENTS IN-ACTION TO DO THERE JOBS
IN A PROFESSIONAL AND THOROUGH MANNER IS A THE
DIRECT REASON WHY THE PLAINTIFF WAS WRONGLY IMPRISONED
66 DAYS PAST HIS OUT DATE, THUS VIOLATING THE PLAINTIFF
EIGHTH AMENDMENT RIGHTS, DENIED PLAINTIFF DUE PROCESS
AND SATISFYING THE DELIBERATE INDIFFERENCE STANDARD.

RESPONSE: Defendants deny that they failed to perform their jobs in a professional and thorough manner. Defendants deny that Plaintiff was wrongfully imprisoned for 66 days past his out date. Defendants deny any violation of Plaintiff's Eighth Amendment rights, Plaintiff's due process rights, or the deliberate indifference standard.

THE DEFENDENTS IN THIS CASE HAD A DUTY TO INVESTIGATE THE COMPLAINTS THAT THE PLAINTIFF WOULD BE WRONGLY IMPRISONED IF NO-ACTION WAS TAKEN THEREFORE ANY IMMUNITY THE DEFENDENTS MY HAVE SHOULD BE NULL AND VOIDED.

RESPONSE: Defendants deny the allegations contained in this paragraph.

THEREFORE THE PLAINTIFF ASKS THE COURT TO PLEASE RULE IN HIS FAVOR. THE DEFENDENTS CLEARLY VIOLATED THE PLAINTIFFS CONSTITUTIONAL AND CIVIL RIGHTS AND SHOULD BE HELD ACCOUNTABLE FOR THERE ACTIONS

RESPONSE: Defendants deny the allegations contained in this paragraph.

REQUEST FOR RELIEF

Compensation / punitive Damages for all days held
past Release Date & Loss of wages.
All Court fees / Filing Ect,
Lawyers fees

RESPONSE: Defendants deny that Plaintiff is entitled to compensatory damages, punitive damages, lost wages, fees, or to any relief whatsoever.

JURY DEMANDED

Defendants demand a trial by jury in this matter.

AFFIRMATIVE DEFENSES

1. Sovereign Immunity

To the extent that Plaintiff makes claims for monetary damages against Defendants in their official capacities, they are barred by the doctrine of sovereign immunity under the Eleventh Amendment.

2. Qualified Immunity

At all times relevant herein, Defendants acted in good faith in the performance of their official duties and without violating Plaintiff's clearly-established statutory or constitutional rights of which a reasonable person would have known. Defendants are therefore protected from suit by the doctrine of qualified immunity.

3. Failure to Exhaust Administrative Remedies

To the extent that the Plaintiff has failed to exhaust his administrative remedies prior to the initiation of this cause of action, Plaintiff's claims are barred by the Prison Litigation Reform Act (42 U.S.C. § 1997).

Respectfully submitted,

MARC HODGE, JANIS JOKISCH,
BETH TREDWAY, and TONY KITTLE,

Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for Defendants,

By: s/ Zechariah Feng
Zechariah Feng, #6312786
Assistant Attorney General
500 South Second Street
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(217) 782-2077 Phone
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E-Mail: zfeng@atg.state.il.us

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2015, the foregoing document, Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint, was electronically filed with the Clerk of the Court using the CM/ECF system, and I hereby certify that on the same date, I caused a copy of the foregoing described document to be mailed by United States Postal Service, in an envelope properly addressed and fully prepaid, to the following non-registered participant:

Robert James Piette, #20140301148
Cook County Jail
2600 South California Avenue
P. O. Box 089002
Chicago, Illinois 60608

Respectfully Submitted,

s/ Zechariah Feng

Zechariah Feng, #6312786
Assistant Attorney General
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